IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4396 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NR PATEL

Versus

ORIENTAL INSURANCE CO LTD AND OTHERS

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Appearance :
MR SHAILESH C PARIKH for Petitioner.
MR MAULIK J SHELAT for Respondent Nos. 1 - 2.
RULE NOT RECD BACK for Respondent Nos. 3 - 7.
MR AJAY R MEHTA for Respondent No. 8.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 16/11/2006

ORAL JUDGMENT

By filing this petition, the petitioner has prayed that the action of respondents No.1 and 2 in bypassing the seniority of the petitioner and

not promoting him to the post of Administrative Officer from 1980 to 1982 onwards is illegal and the petitioner should have been promoted as Administrative Officer during the said period and, thereafter, he should have been promoted further to the post of Assistant Manager from 1985 onwards. It is also prayed that the petitioner should be given appropriate seniority in the cadre of Administrative Officer from 1980 and on that basis also in the cadre of Assistant Manager from 1983 and if not from 1983, he was required to be considered for further promotion on the post of Assistant Manager with effect from 1985.

The matter is pending before this Court since 1987. As per the office endorsement, respondent Nos.3 to 7 are not served till today. Mr.Parikh, learned advocate for the petitioner submitted that the petitioner cannot give up his claim against those respondents as he is asking deemed date of promotion against aforesaid respondents.

Be that as it may, though the matter is pending before this Court since 1987 aforesaid respondent Nos.3 to 7 are not served. Mr.Parikh, learned advocate for the petitioner is also not in a position to say whether he will be able to serve aforesaid respondents directly by way of direct service. He frankly submitted that unfortunately he has not received any instruction in this matter from his clients and he is not in a position to furnish fresh address of the aforesaid respondents.

In that view of the matter, unless the respondents are served, it is not possible for this Court to proceed with the matter on merits, as concerned respondents are required to be served.

Since Mr.Parikh is not getting any instructions from his client and since he is not in a position to serve the unserved respondents, in view of

unavailability of their fresh address, Mr.Parikh, learned advocate for the petitioner submitted that he may not press this petition at this stage, and in future if he receives appropriate instructions from his client and if the address of the concerned respondents is given to him, he may be permitted to revive this petition by filing a note.

Request of Mr.Parikh is reasonable. Therefore, this petition is disposed of at this stage as not pressed, with a liberty to revive this petition by filing a note, in case appropriate instruction is given in the matter and fresh address of the concerned respondents is provided by the petitioner.

Accordingly, this petition is disposed of as not pressed. Rule is discharged with no order as to costs.

(P.B.Majmudar, J.)

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